Revenue (1924) Department.

Confidential SERIES.

G.O. No. 916

DATED 14. 6. 1924

[Despatch Abstract.]

Read in Council - February 1924

Question, No. 355 - South Kanara

Gurkhas and Pathans - Land

purposes - recorded

O.M No. 244 B/24-2 dt) 2-24

Copies
AWB
28/1/24

Legislative Council - February 1924
Question No. 355 - South Kanara -
Gurpur & Mulki rivers -

A copy of the ~~above~~ question, together with the answer given thereto, is forwarded to the Collector of South Kanara who is requested to furnish ~~the~~ the asked for information in regard to the first three clauses of the question. The Collector's reply should be forwarded through the Board of Revenue so as to reach the Govt. not later than 25-3-1924.

27/2/24

To

The Collector of South Kanara

Copy to the Board of Revenue

with compliments

DEC. [illegible]
29 FEB 1924

2 b

REVENUE DEPARTMENT.

REVENUE-6
O.F.—
1038

Received 24 MAR 1924 191 ; Registered 191

1168 - 25.3

Subject.

Legislative Council - February 1924 - Question 355 - South Kanara - Gurpur and Mulki rivers - Government referenc Memo.No.244-B-24-2 dated 27.2.24 - Report submitted.

ENCLOSURES
No.
Spare copies

Ref.C. No. 3184-24-A.2.

Station Mangalore , *Dated the* 21st March 1924.

From (Name) C.A. Souter, Esquire, I.C.S.,
(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,
Revenue Department.
Through the Board of Revenue, Land Revenue and Settlement,
Madras.

Sir,

Questions a and b are answered in the affirmative. The dams at Mulki and Gurpur were put-up about the end of November 1923. The one at Mulki was constructed by some of the villagers of Palimar village, Udipi Taluk adjoining the Mulki river in Mangalore Taluk and was useful for irrigating their 2nd rice crop on an extent of about 150 acres. The Gurpur dam was put up by some of the villagers of Mulur, Kandavar, Adyapadi, Kolambe, Ulaibettu and Tiruvail villages of Mangalore Taluk under the circumstances described in

paragraph 4 of the Mangalore Divisional Officer's report N.Dis. C.No.2911-1-23, dated 29.11.1923 (copy enclosed).

The circumstances under which both the dams were ------- removed are given in the enclosed extract from the report ---- N.Dis.C.No.258-24-2. dated 30.1.1924, submitted by the ------- Divisional Officer, Mangalore. The Gurpur dam was removed on 18.12.1923 and the Mulki dam on 11.1.1924.

Question (c) is answered in the affirmative.

Your obedient servant,

For Collector.

M.St.R./21.3.24.

Copy of the Mangalore Divisional Officer's report N.Dis. C.No.2911-1-23, dated 29.11.1923.

Submitted to the Collector of South Kanara.

2) The petition purports to be from the villagers of Adoor, Mulur, Kandavar, Adyapadi, Kolambe, Ulaibettu and Tiruvail (round about Gurpur). The petitioners request that they may be permitted to put up a bund across the Gurpur river to enable them to --- irrigate their suggi crop which is suffering badly for want of rain.

3) The petitioners have already begun to construct the dam. They began work on Saturday last. About 300 to 400 persons are working daily. I saw the dam in the course of construction, yesterday and about 2/3 of it has already been constructed and it will probably be completed by Sunday next. The site of the dam is about 1½ furlongs to the west of the Gurpur bridge.

4) It is a fact that suggi crop both in these villages and the other villages of the Taluk is in very bad need of water. The petitioners have suffered much by the damage to their first crop, caused by the floods. They are now threatened with the

failure of the 2nd crop also. In this extermity they have all combined and are thinking of executing a work which if successful will produce very beneficial results to the seven villages in - question and will also be model to other villages as to what can be done by mutual co-operation.

57 The interests of Government will not be affected by the - construction of the dam. The water of the river is at present wasted into the Arabian Sea. The people want to utilize it at their own expense. I do not see any reason why they should not do it. The only point for consideration is whether the interest of other persons or other villages will be affected by the ----- proposed dam. So far as can be seen at present it does not --- appear that the dam will be injurious to any one. The ------- petitioners may, however, be told that Government does not hold itself liable to any damages caused to other persons by the ---- construction of the dam.

W.S.B. 21-3-24

Copy of the Mangalore Divisional Officer's report N.Dis.C. No.258-24-2, dated 30.1.1924.

Resubmitted with the records called for.

2. The circumstances in which the dam was removed are --- briefly the following. On 5.12.1923 the Tahsildar, Mangalore submitted for my orders the papers of the enquiry conducted ---- through the Revenue Inspector, Mulki, in connection with the dam with the recommendation that the provisions of the Land Encroachment Act may be ordered to be enforced for its removal, as he --- found the dam detrimental to the interests of many people. I consider the remedy suggested by the Tahsildar to be too futile to bring in any material benefits to the aggrieved parties in time and directed the Tahsildar to proceed to the locality immediately and to induce the parties to come to an amicable settlement with the object of averting any imminent danger. Almost at the same time or a little previously, a similar dam having been put up --- across the Gurpur river, the Tahsildar held an enquiry on the ---

objection of the residents of the neighbouring villages who were affected by the said dam and reported that an amicable settlement of the dispute was impossible and that the best course in such cases was to prosecute the mischief-makers for an offence under section 431 I.P.C., in case they failed to remove the dam within a reasonable time. I approved this suggestion of the Tahsildar and instructed him to serve notices on all the persons who had constructed the dam and forwarded the papers of enquiry to the Police for necessary action. I directed the Tahsildar to follow the same course in the case of the dam across the Palimar river also. A few days later, i.e., 16.12.1923, the Collector inspected the Gurpur dam in company of the parties, vakils, the Tahsildar and myself and as a result of the inspection, we directed the author of the dam to remove it by 6 P.M. on the Tuesday following on pain of being prosecuted for an offence under Section 431 I.P.C. Next, I inspected the Palimar dam on 19.12.1923 and similarly ordered the parties to remove that dam also. Intimation of the course adopted was given to the Police who were directed to watch the movements of the parties and see that no breach of the peace took place. Subsequently, I got the intimation regarding the opening of the dams within the prescribed time by the parties themselves.

M.S.R./21.3.24.

21.3.24

BOARD OF REVENUE, L.R. & SETT
Dated, 24th March 1924.

B.P.No. Rout. 1404.

RESOLUTION.

Submitted to Government.

(True Extract)

Secretary.

To the Secretary to Government, Revenue Department.

S.24/3.

6

	Initials.	Date.
Received in Fair-copying Section.		
Copied ..		16/4
Examined ..		
Signed ..		
Despatched ..		

Scott. II-8 (e)—10,002—22-8-22.

O.M No. 244 B/24-3 dt. 1/2.4.24

Irrigation. South Kanara-Gurpur and Mulki rivers-Dams-Removal- Collectn Ref C.3184.24 dated 21.3.1924.

It is not clear from the report submitted, as to who objected to the construction of the dams in question and on what grounds and whether the idea of benefitting the crops, contained in the letter No. 2911-1-23 dt 28.11.1923 of the Revenue Divisional officer mangalore, has to be abandoned altogether. The collector is requested to submit a full report dealing with the above points.

To

The collector of South Kanara

Copy to the Board of Rev (LM)

DESPATCHED
16 APR 1924

Revenue / B DEPARTMENT. G.F. 31.

CURRENT No. Rev. 15965

Received 29MAY1924 19 Registered 29.5.24 19

Subject.

Irrigation - South Kanara - Gurpur and Mulki rivers - Removal of dams - Collector's report - Submitted to Government.

ENCLOSURES.
No.
Spare copies

Resolution No. 2224, Routine.

Station Madras, Dated the 27th May 1924. 19

From

W.Scott Brown, Esq., I.C.S.,
Secretary, Land Revenue
~~The Board of Revenue,~~ - ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

N.Macmichael, Esq., I.C.S.,
Commissioner of Land Revenue and Settlement

Resolution
~~Reference~~

Read the following:-

Letter from C.A.Souter, Esq., I.C.S., Collector of South Kanara, Ref.C.No.4625-24-A-2, dated 14th May 1924.

Gurpur dam Mulki -

Neither of the dams referred to is a mamool dam. They were both constructed by the ryots without obtaining previous permission.

2. The dam at Gurpur was put up by the ryots of seven villages adjoining the Gurpur river viz., Adyapadi, Kolambe, Kandavar, Mulur, Tiruvail, Addur and Ulaibettu. Their first crop having been seriously damaged by the floods in August last

and their second or suggi crop being in danger of withering for want of rain in October the dam was constructed by these ryots in anticipation of permission in order to irrigate the 2nd crop. The Divisional Officer, Mangalore,, recommended the grant of permission in his report N.Dis.C.No.2911-1-23, dated 29th November 1923. Certain riparian ryots of Ulaibettu, Kenjar and Markada villages which lie to the West of the dam objected to its construction on the grounds (1) that certain lands in Ulaibettu were submerged under water and the 2nd crop therein damaged, (2) that the usual boat traffic up and down the river was obstructed and (3) that salt water which used to flow Eastwards collected on the Western side of the dam and found its way to and damaged the fields adjoining the river in Kenjar and Markada villages. They even represented in their petitions that if the dam were allowed to stand there would be a serious breach of the public peace. My predecessor after inspecting the locality ordered the removal of the dam. This order was carried out on 18th December 1923. It may be stated that the dam before its removal benefitted the 2nd crops on a large extent in the seven villages referred to above. ¶ 3-4 cf

3. As regards the dam at Mulki, it was put up by the ryots of Palimar village, Udipi Taluk under circumstances similar to those of the Gurpur dam. Its construction was objected to by the merchants of Mulki on account of the serious obstruction caused to the ordinary boat traffic and by the riparian ryots of Athikaribettu and Kavathar on account of the intrusion of salt water into their fields the cultivation of which was seriously affected. Their wells and tanks also became brackish. Its removal was therefore ordered by the Divisional Officer.

In the case of both dams the question rested on the conflicting claims of two sets of ryots. Mr. Wells was, I think, correct in rejecting the claims of those ryots who had acted contrary to custom.

4. As regards the question whether the idea of benefitting the crops had to be abandoned altogether, the Divisional Officer, Mangalore, suggests that the question of putting up a dam at Gurpur at Government cost across the Gurpur river may be referred to the Public Works Department. He thinks that water may be supplied to the ryots subject to the payment of Rs.5 per acre from those benefitted by the dam. I am referring his suggestion to the Public Works Department and also asking him to draw up a rough scheme on the line suggested by him in his endorsement dated 4th May 1924 a copy of which is enclosed. This matter can be considered at leisure but obviously will require careful reflection if we are to avoid trouble from the villages which may be adversely affected by the dam.

~~Dated~~ 4
9-10 cF

****

Endorsement from M.R.Ry. H.Sankara Rao Avl., Revenue Divisional Officer, Mangalore, No. N.Dis.C.904-24-2, dated 4th May 1924.

Submitted to Collector, South Kanara, in reference to his accompanying endorsements N.Ref.4628-24-A-2, dated 25th April 1924, and 4625-24-A-2, dated 25th April 1924. The records of this office bearing on the subject are enclosed.

2. The two dams in question were put up for the first time and without the parties concerned obtaining previous permission. Their action was permitted by reason of the damage caused to wet lands by two successive floods in the course of the last monsoon. Several objections were received from the ryots owning lands lower down the dams. The Collector ordered the removal of the Gurpur dam after personal inspection and in the presence of those concerned. The Palimar dam was ordered to be removed by my predecessor after the precedent of the Gurpur dam. By putting up the dams, several hundreds of single crop land were cultivated with a second crop and when the bunds were actually removed, the 2nd crop had grown fully and there was scarcely any

need

need for water till its harvest. The ryots were not charged for raising the second crop. Just before the dam was removed in Gurpur, several ryots collected water in ponds and other low lying places and raised the 3rd crop. I inspected this crop on 12th April 1924 and it was thriving well.

3. During my stay at Gurpur, several ryots came to me and expressed their willingness to pay Rs.5 an acre if a dam is put up at Government cost near the bridge and the irrigation regulated by Government. This is not a difficult task. I would suggest that the opinion of the Public Works Department may be obtained on this question. I am quite sure that the project will not cause loss to Government. If the Collector is so pleased, I shall draw up a rough scheme and submit it for further investivation. In this connection, I may add that in the Chittoor Taluk of the Cochin State, the Cochin Durbar has put up a dam across the 'Bharata puzha' and the British ryots pay Rs.5 an acre to the Cochin Durbar for supplying water. The flow of water in this river is not so abundant as in the Gurpur river.

4. Attention is invited to this office endorsements dated 29th November 1923 and 30th January 1924 regarding the dams. H 3-

****

RESOLUTION:

Submitted to Government with the remark that the benefit derived from the construction of the dams seems to have exceeded the damage to other interests.

If the dam at Gurpur was objectionable, it is not clear why the Collector is now considering the question of having a permanent dam constructed there by Government.

(True Extract).

28/5

Secretary.

To the Secretary to Government, Revenue Department.

S.S./28-5.

AR. 28.5.24.

C 216-B/24

Question. 11

Council office,
3rd January 1924.

Mr. J.A.Saldanha.

THE PUBLIC WORKS DEPARTMENT (IRRIGATION)

355. Will the hon. the Law Member be pleased to state:-

(a)whether it is a fact that recently there were erected on the Gurpur and Mulki rivers in South Kanara ~~bundhs~~ bunds or embankments for facilitating irrigation of hundreds of acres of fields by villagers with their own labour and at their own cost;

(b)whether these works were ordered to be destroyed on the ground that they obstructed navigation and offended against section 431 of the Indian Penal Code;

(c)whether it is ~~true~~ a fact that the rivers in question were at the time of the erection of the ~~bandhs~~ bunds navigable for laden boats, only at ~~high~~ high tides.

(d)whether the Government have powers under law to permit the erection of embankments over rivers navigable at both low and high tides in public interests where the interests of agriculture by irrigation far out-weigh those of traffic by the river

(e)whether it is a fact that in the case of the ~~bandh~~ bund erected without the Collector's permission on the Mulki river by the villagers of Palimar rice crops of over 500 acres were saved from being

destroyed by drought on account of that ~~bandh~~ bund, while only a few boats were prevented from carrying their goods which could be easily transhipped over the ~~bandh~~ bund;

(f)if so, would the Collector have been justified by law in giving permission to erect the bandh in question for allowing it to continue in the best interests of the people of the country as a whole;

(g)whether the Government will lay down its policy as justified by law in permitting the erection of such bandhs in public interests by the people themselves without any cost to Government?

216B
23/1/24.

13

L.C.O. (iv. 8)—2,000—1-8-21.

...ION.—No. 355 for the first day of January meeting of the Legislative Council ~~to be held on the~~ 1924.

SUBMITTED that two copies of this Question may be forwarded to the (Public Works' Irrigation) Department.

he Question has been admitted.

23/1

10/1/24

L. C

U.O. No 268-1, dated 22/1

REC'D 24 MAR 25-1-24

To

The P. W (Irrigation) Department.

P.W.D (I)

24/1/24. SPM

In charge of the irrigation works in S. Kanara. The question relates to the action taken by the Collector in the matter. The question seems to be one pertaining to Revenue to whom it may be transferred. That dept. may be asked to intimate to the Legislative Council upon the fact that the question has been taken over by them.

P.W.D 216/24 B1 24-1-24

24-1-24 Rev. 24-1-24

~~14~~ 14

Revenue debt

To U.S

+ draft answer is submitted for approval

va
28/1/24
WAK
28.1.24

... my reply with the matter for approval

... Draft answer for approval

29.1.24

approved.
T.R. 30.1.24.

C4

30/1/24

30.1.24

355

Draft answer

Question 355 (a) (b) (c) & (e)

The Govt have no information

DELAYED
30 JAN 1924

355 16

Council Office.

Mr. J. A. Saldanha.

The Public Works Department (Irrigation).

Question No. 355. Will the Hon'ble the Law Member be pleased to state :-

(a) whether it is a fact that recently there were erected on the Gurpur and Mulki rivers in South Kanara, bunds or embankments for facilitating irrigation of hundreds of acres of fields by villagers with their own labour and at their own cost;

(b) whether these works were ordered to be destroyed on the ground that they obstructed navigation and offended against section 431 of the Indian Penal Code;

(c) whether it is a fact that the rivers in question were at the time of the erection of the bunds navigable for laden boats, only at high tides;

(d) whether it is a fact that in the case of the bund erected without the Collector's permission on the Mulki river by the villagers of Kalmar rice crops of over 500 acres were saved from being destroyed by drought on account of that bund, while only a few boats were prevented from carrying their goods which could be easily transhipped over the bund.

Answer.

(a),(b),(c) and (d). The Government have no information.

P. V. Logh
Secretary.

To the Legislative Council Office.

Forwarded to the Legislative Council Office.

(By Order) Walter Menacho
Superintendent.

(The above answer approved by the Hon'ble the Rajah of Kollengode, C.I.E.)

Supplementary question 17

Mr. J. A Saldanha will the hon'ble the Law member be pleased to call for information on this point?

The Hon'ble Mr C. P Ramaswami Ayyar - To which point?

Mr J. A Saldanha to all the points - The information is required in connexion with the points I am going to raise on the Appropriation Bill.

The Hon'ble Mr CP Rama Swami Ayyar - Clause (d) somewhat consequential on the rest But I shall have no objection to call for information regarding (a) (b) & (c)

Rev Dept

To U.S

A Draft D.O to the Collector of South Kanara is put up with reference to the undertaking given by C 3 at A above

27/3/24

24 D.O issued on No. 246 Rg/m-2 & 27-2-24. 1 Cf
from the Board (Rev) Madras 14 Cf & m-3-24 Hy 2-5 Cf.

To U.S

Please see the report of the Collector on Hy 2-5 Cf. the answers to Clauses (a) (b) & (c) of the question are in the affirmative The M.L.C may be informed accordingly It does not seem necessary to give him any of the details contained in the Collector report.

A draft D.O submitted below for approval

D.O No. 246 Rg/m-2 & dy 28.3.24

Dear Sir, Legislative Council - February 1924. Question 355 - South Kanara Gurpur & Mulki rivers -

With reference to your supplementary question & the answer given thereto, I am to state that the answer to clause a b & c of the question are in the affirmative

Despatched Sd/ 29.3.24

To J. A Saldanha Esq
Member, Legislative Council
Belmatta
Kankanadi Post Office
South Kanara

Yours sincerely
28/3/24

8/ 18

)h.c: wr chan from the date before
(1 Wh Agent to the Construction
@ Ar wht grounds
(3 Whether idea of keeping the
expenditure — Mangalore Dockyard
unwanted
Hp 3-4 CF 9.11.23 to be abandoned altogether
already

5/4/24

To U.S

A draft opn to the Collector of South Kanara on the lines of Secy note above is submitted for approval

Yes
11/4/24

Yes
Secy

Yes
Secy

Hp 6 CF O.M issued as No. 244 B/24.3 dt 12.4.24
Hp 7-10 CF From the Board of Rev (I.R.A.) No 2224/24 dt 27.8.24

To U.S

Please see Secy remarks above. Information on the points raised by Secy is contained in the Collector's letter on pp 7-9 CF. It would appear that the benefit derived from the construction of the dams seem to outweigh the disadvantages.

2/ The Collector proposes in consultation with the P.W.D to consider the question of constructing a permanent dam across the Gurpur river, at Gurpur Point, though he recognises that the matter will require careful & investigation if trouble from the villagers that

para 4 of Collector's report on p 9 CF

may be adversely effected, is to be avoided.
The Gurpur ryots are reported to be keen on the
furtherance of this proposals.

3/ As regard the dam across the Mulki river, the Collector has not made any similar proposal apparently because the ryots of Palimar Village are not so keen as the ryots of Gurpur — para 3 of Collectr letter on p 8 CF

4/ No action appear necessary on the file the D.O on p 7 ante may be approved & and the papers recorded

5/ A draft order is submitted.

Please see the Legl's queries on p. 8.

The Board's report does not entail any alteration or modification of the reply to the Govt. which may cause the papers be recorded.

U. Rly/10.6.24

S

11.6.24

Bn H 31
Civ 1 . .
Rd 13 6 21

C3 approved. Note at the investigation stage the further dam will be con
C1 v See to investigation is in the hands of P.W.D. The question of riparian rights of those above the proposed bund will also need very careful investigation

11/6/24

12.6.24

f.o issue G/No 916 Rev dt 17.6.24.

P.W.D (I) ex 25 — May be passed and returned to Rev. — P.W.D(I)

Revenue — Govt 25.6.24 — Revenue — 4.7.24

Revenue-G/No 1546(7)/24-1 21/6/24

M1 Possibly Director of [illegible]

ASST. SECRETARY TO GOVT. 8-JUL 1924 REVENUE DEPARTMENT

REVENUE-B 1936

SECTION

Govt 6.24 Ulr 9.6.24

1103

Scott. II-1o (a)—48,962—2-2-22. (6)

Revenue DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

20/

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ....., " ..... 192 .

READ ALSO;—

C. No. 1038 B/24 From the Collector of S. Kanara Rep C. No. , dated 192

M to the Collector of S. Kanara 3184-24-A2 21-3-1924

" " 1596 B/24 " " From the Board of Rev (L.R.M.), Nevln 2,224, Ambino 27-5- 1924.

" " ..... " " ..... " , " 192

ORDER.

No. 916, dated 17-6-1924

Mr.

Recorded

DESPATCHED
11 JUN 1924

The Board of Rev (L.R.M.),

Collector of S. Kanara

D/ 80

D.O or 17/24

1) D.O.

2) G.O.

16.6.24